

**REMARKS**

Upon entry of the amendment, claims 1 and 3-5 are all the claims pending in the application.

**Obviousness-Type Double Patenting Rejections**

On page 2 of the Office Action, in paragraph 2, claims 1-5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent 6,379,859. Further, on page 3 of the Office Action, in paragraph 3, claims 1-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-19 of copending Application No. 10/084,204.

In response, Applicants submit that U.S. Patent 6,379,859 and copending Application No. 10/084,204 neither teach nor suggest the naphthoquinonediazide ester of Formula (II) of the present invention. Accordingly, Applicants submit that the obviousness-type double patenting rejections have been overcome, and withdrawal of these rejections is respectfully requested.

**Anticipation Rejection**

On page 4 of the Office Action, in paragraph 5, claims 1-5 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Suzuki et al.

In response, Applicants submit that nothing in Suzuki, including Example 9 as cited by the Examiner, teaches or suggests the compound of Formula (II), a linear pentanuclear

compound. Further, Example 9 of Suzuki does not use component (C) of the present invention. Accordingly, Applicants submit that the present invention is not anticipated by (or obvious over) Suzuki, and withdrawal of this rejection is respectfully requested.

### **Obviousness Rejections**

On page 5 of the Office Action, in paragraph 7, claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawata et al in view of Uetani et al `657. Further, on page 6 of the Office Action, in paragraph 8, claims 1-5 are rejected under 35 U.S.C. 103(a) as being Kawata et al in view of Momota et al further in view of Uetani et al `657.

In response, Applicants submit that nothing in Kawata, Uetani, and Momota teaches or suggests a photosensitizer of a naphthoquinonediazide ester of Formula (II) of the present invention.

Further, while Momota discloses a naphthoquinonediazide ester of a linear pentanuclear compound, Momota's pentanuclear compound has two hydroxyl groups in the end benzene rings. Therefore, it clearly differs from that of the present invention.

Thus, Applicants submit that the present invention is not obvious over the cited art combinations. Accordingly, withdrawal of these rejections is respectfully requested.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/035,137

Attorney Docket No.: Q67940

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Bruce E. Kramer  
Bruce E. Kramer  
Registration No. 33,725

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: September 29, 2003